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*Attorneys for Plaintiff TRISTRATA, INC.*

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

TRISTRATA, INC., a California  
corporation,

Plaintiff,

v.

MICROSOFT CORPORATION, a  
Washington corporation and ADOBE  
SYSTEMS INCORPORATED, a Delaware  
corporation,

Defendants.

Case No. CV-11-3797 JSW

**STIPULATION AND [PROPOSED] ORDER  
TO EXTEND TIME FOR PLAINTIFF TO  
RESPOND TO DEFENDANT ADOBE  
SYSTEM INC.'S NOTICE OF MOTION  
AND MOTION TO DISMISS FOR FAILURE  
TO STATE A CLAIM, OR, IN THE  
ALTERNATIVE, MOTION FOR A MORE  
DEFINITE STATEMENT**

Complaint Filed: August 1, 2011

Date: March 23, 2012

Time: 9:00 a.m.

Dept: Courtroom 11, 19<sup>th</sup> Floor

Plaintiff TriStrata, Inc. ("Plaintiff") and defendant Adobe Systems Incorporated  
("Defendant") (collectively "the Parties"), hereby stipulate through their respective counsel of  
record as follows:

WHEREAS, on November 18, 2011, Defendant served its Notice of Motion and Motion to  
Dismiss for Failure to State a Claim, or, in the Alternative, Motion for a More Definite Statement;  
Memorandum of Points and Authorities in Support Thereof ("Motion to Dismiss"), upon  
Plaintiff;

WHEREAS, on November 21, 2011, Defendant filed a Renotice of Motion to Dismiss for Failure to State a Claim, or, in the Alternative, Motion for a More Definite Statement, which moved the hearing for this Motion to Dismiss to March 23, 2012;

WHEREAS, the hearing date for this Motion to Dismiss will not be delayed and will remain set for March 23, 2012;

WHEREAS, no trial date has yet been set in this action;

**I. GOOD CAUSE JUSTIFIES THE REQUESTED EXTENSION**

Defendant's Motion to Dismiss is directed at the indirect infringement allegations of the Complaint. The only other defendant in the case, Microsoft Corporation, has answered the complaint. Plaintiff is investigating the possible addition of new material in amendment of the complaint and discussing with counsel for Defendant Adobe System a stipulation for the filing of an Amended Complaint which may moot the motion. The requested 14-day extension in the time for Plaintiff to respond to the Motion to Dismiss is justified in that Plaintiff's investigation requires consultation with former employees of the Plaintiff, all of whom have full time employment with companies with no interest in this suit. The requested extension will not impact the schedule in the case as a whole since the motion is not scheduled to be heard until March 23.

**II. CONCLUSION**

Good cause being shown, the Parties request that Plaintiff be permitted an additional 14 days, to and including December 16, 2011 to file its response to the Motion to Dismiss, and Defendant's reply brief be due on or before January 6, 2012.

Dated: December 7, 2011

HAUSFELD LLP

By: /s/ Bruce Wecker  
Bruce Wecker

*Attorneys for Plaintiff TriStrata, Inc.*

ADOBE SYSTEMS INCORPORATED

By: /s/ Ian N. Feinberg  
Ian N. Feinberg (SBN 88324)  
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*Attorneys for Defendant Adobe Systems Incorporated*

IT IS SO ORDERED.

  
Hon. Jeffrey S. White  
United States District Court Judge

I, Bruce Wecker, am the ECF user whose ID and password are being used to file this

**STIPULATION AND [PROPOSED] TO EXTEND TIME FOR PLAINTIFF TO  
RESPOND TO DEFENDANT ADOBE SYSTEM INC.'S NOTICE OF MOTION AND  
MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM, OR, IN THE  
ALTERNATIVE, MOTION FOR A MORE DEFINITE STATEMENT**

I hereby attest pursuant to General Order 45.X.B. that concurrence in the electronic filing  
of this document has been obtained from the other signatories.

DATED: December 7, 2011

/s/ Bruce Wecker  
Bruce Wecker